

**LAND BOARD AGENDA ITEM**  
**May 19th, 2008**

**PRELIMINARY APPROVAL FOR SALE OF LAND BANKING  
PARCELS**

# **CENTRAL LAND OFFICE**

	<b><u>Parcels</u></b>	<b><u>Acres</u></b>	<b><u>Isolated Acres</u></b>
<b>Beaverhead County</b>	<b>8</b>	<b>1461.80</b>	<b>1320</b>
<b>Broadwater County</b>	<b>5</b>	<b>1435.47</b>	<b>1435.47</b>
<b>Madison County</b>	<b>5</b>	<b>280</b>	<b>280</b>
<b>Total</b>	<b><u>18</u></b>	<b><u>3177.27</u></b>	<b><u>3035.47</u></b>

# CENTRAL LAND OFFICE

**Beaverhead County** – We received comments from the Montana Public Lands Access Association requesting we not sell a parcel which is legally accessible, has significant wildlife values, or known Threatened or Endangered species. We also received comments from the Montana Wildlife Federation requesting parcels with legal access for recreational purposes not be sold.

*The only parcels with legal access being sold are small remnants which are separated from other state ownership by Interstate 15 and are otherwise surrounded by private land. The odd configuration of these parcels and small acreage make it difficult and expensive for DNRC to manage.*

A letter was received from Ronald A. & Marilyn M. Benson, opposing the sale of parcel 121. They state two criteria for opposing the sale: historical usage of a road they refer to as Hertel Road, and their personal recreational usage.

*DNRC does not have any evidence of a public R/W existing prior to acquisition by the state of the parcel in 1889 and does not have an easement on record. There also has not been a determination through the courts of a public R/W across the private lands surrounding the state parcel. Therefore a public R/W does not currently exist and DNRC considers the parcel as inaccessible for public recreational uses unless permission to access the state parcel is granted by an adjacent landowner. In any event, the parcel does not contain unusual or exceptional public recreational value. DNRC rules prohibit the sale of a parcel which would extinguish access to adjacent private land without first providing an opportunity to submit an application to purchase an easement. In this instance the existence of a public R/W to the state land has not been demonstrated and therefore there currently is no access right to extinguish. In the event evidence is provided and the courts determine a public road does indeed exist on the private land surrounding the state parcel, the same evidence would apply to the road across the current state parcel and the sale of the parcel would not affect future use of the road.*

**Broadwater County** – We received comments from adjacent land owners indicating they may be interested in purchasing the tracts adjacent to their property. FWP and the Montana Wildlife Federation submitted comments requesting we not sell a parcel which is accessible from the Missouri river. We also received comments from the Broadwater County Commissioners supporting the Land Banking proposal to sell isolated parcels of State Land which would increase tax revenue for the County as long as there was no other loss of public benefits associated with the sale.

*A portion of Section 36, T4N-R2E is legally accessible from the river and provides some recreational opportunities for the public. This portion of Section 36 is not considered for sale.*

*Administrative Rules for Land Banking prohibit the sale of state lands if wholly surrounded by lands under a conservation easement unless there is a compelling reason. In this situation, Section 32 (280 acres) is wholly surrounded by a conservation easement held by the Montana Land Reliance. The proponent of this Land Banking proposal owns the surrounding land and is the individual who placed his land under a conservation easement. He has indicated if purchased, he intends to place the newly acquired land in a conservation easement also. All the remaining tracts nominated by the lessee for sale meet the intent of the Land Banking Program and are good candidates for sale. There is no reason to only retain the 280 acre parcel with no legal access. The parcel is oddly configured and difficult to distinguish from the adjacent private land and is located in the middle of the proponent's ranch. There would be little incentive for the surrounding owner to retain a lease and there would be no potential for other lessees. In addition, DNRC management costs would likely increase due to the difficulty of managing a small isolated acreage entirely within the ranch boundary.*

**Madison County** - Montana FWP commented that "FWP would recommend not disposing of lands that are generally available (accessible) to the recreating public".

*These tracts are not legally accessible to the general public because they are surrounded by private land. If the tracts are sold, hunting access would be controlled by the new landowner as is the current situation.*

Tony Schoonen of PLAAI commented that we should GPS the corner location of the 120 acre parcel in Sec 32 to make sure there isn't an offset corner between the Robb Ledford State Wildlife Management Area and State Trust Land.

*The USGS Quad map (Belmont Park Ranch) indicates a located corner with no offset corners on the map. So there is no need to GPS the location for the four sections have a common corner. The State of Montana does not recognize crossing at corners as legal public access.*

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**PRELIMINARY APPROVAL FOR SALE OF LAND BANKING  
PARCELS # 120, 259, 121, 279, 280, 281, 282 & 283  
BEAVERHEAD COUNTY**

<b>Seller:</b>	State of Montana, Department of Natural Resources and Conservation
<b>Nominators:</b>	Parcels 120 & 259 – Lessee, Erb Livestock Corp.  Parcel 121 - Lessee, John McCollum  Parcels 279, 280, 281, 282 & 283 – Lessee, Dragging Y Cattle Co. (Roger & Carrie Peters)
<b>Location:</b>	Parcels 120 & 259 – Fifty-six miles northwest of Dillon  Parcel 121 – Seven miles east of Dillon  Parcels 279, 280, 281, 282 & 283 – Thirty miles south of Dillon, along I-15
<b>Property Characteristics:</b>	Parcels 120, 121, 259, 279, 280, 281, 282 & 283 – All parcels are leased for grazing, with below average to slightly above average productivity. There are no unique characteristics, critical habitat or other features indicating they should remain under management by DNRC.
<b>Access:</b>	Parcels 120 & 259 - Both of these parcels are surrounded by private land and are not accessible by the public without permission of the adjacent private land owners.  Parcel 121 - The parcel is surrounded by private land and is not legally accessible by the public for recreational purposes without permission of the adjacent land owner.

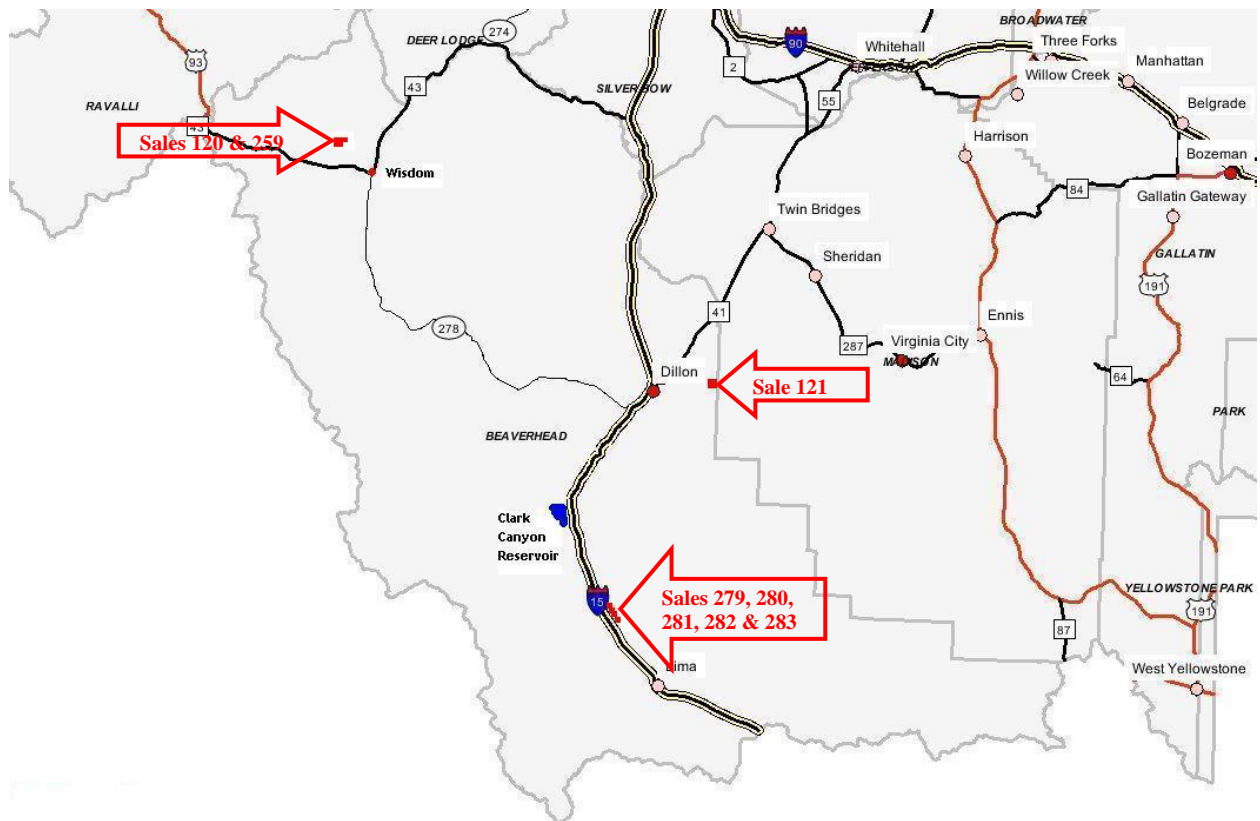
Parcels 279, 280, 281, 282 & 283 – All of these parcels are small remnants which are separated from other state ownership by Interstate 15 and are otherwise surrounded by private land.

County	Sale #	# of Acres	Legal	Trust
Beaverhead	120	640	All, Section 16, T2S-R16W	Common Schools
Beaverhead	259	40	NW1/4NW1/4, Section 15, T2S-R16W	Public Buildings
Beaverhead	121	640	All, Section 16, T7S-R7W	Common Schools
Beaverhead	279	21.63	Part of Lot 2 east I-15, Section 2, T12S-R10W	Common Schools
Beaverhead	280	20	that portion of SW1/4SW1/4 east of I-15, Section 26, T11S-R10W	Common Schools
Beaverhead	281	7	NE1/4 NW1/4, east of I-15, & North of Kidd exit, Section 13, T12S-R10W	MSU Morrill
Beaverhead	282	34	that portion of the SW1/4NE1/4 east of I-15, that portion of the NW1/4SE1/4 east of I-15 & that portion of the SE1/4SE1/4 east of I-15, Section 13, T12S-R10W	Common Schools
Beaverhead	282	44		MSU Morrill
Beaverhead	283	15.17	that portion of NE1/4NE1/4 east of I-15, Section 24, T12S-R10W	MSU Morrill
<b>Total Acres</b>		<b>1,461.80</b>		

**Potential MEPA Issues:** None Identified

**Recommendation:** The Director recommends that the Board give preliminary approval to sales 120, 259, 121, 279, 280, 281, 282 & 283.

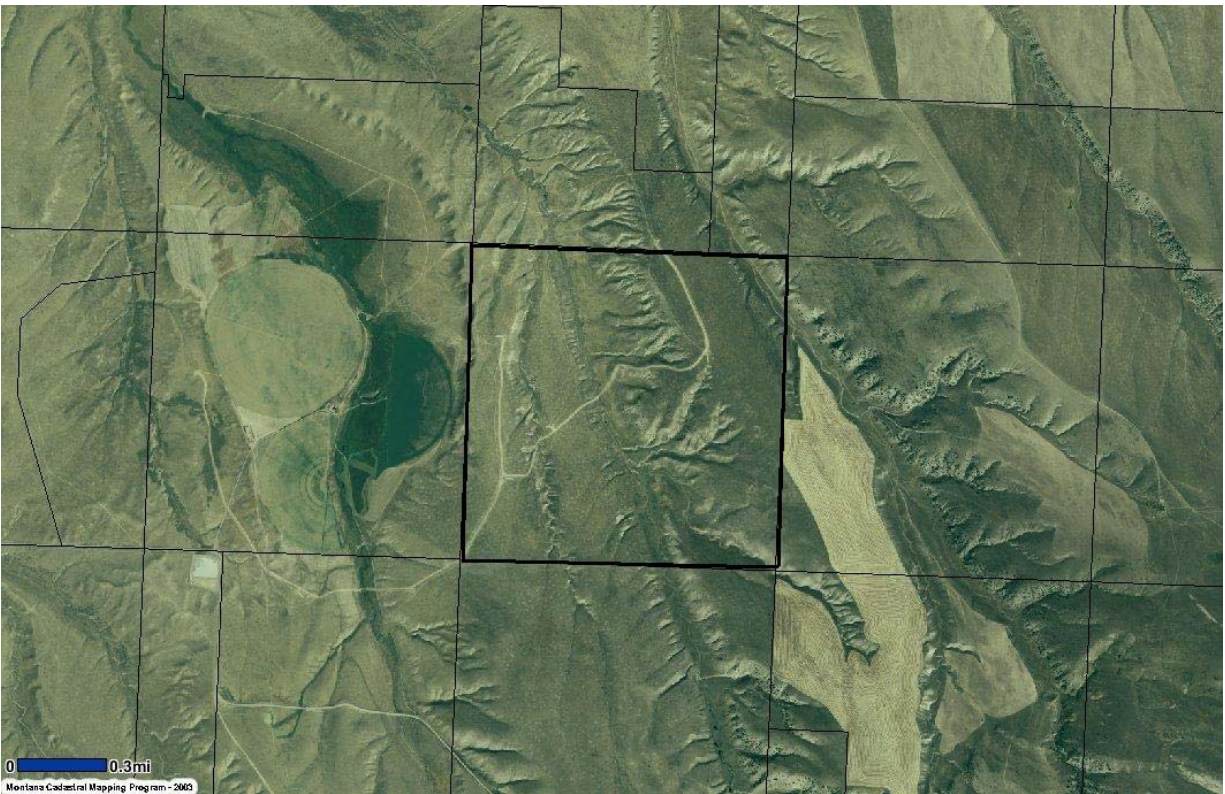
## Beaverhead County Land Banking Parcels Location Map







**Sales 120 & 259**



**Sale 121**





**Sale 279**



**Sale 280**





**Sales 281 & 282**



**Sale 283**

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**PRELIMINARY APPROVAL FOR SALE OF LAND BANKING  
PARCELS #302, 303, 304, 336 & 337  
BROADWATER COUNTY**

**Seller:** State of Montana, Department of Natural Resources and Conservation

**Nominators:** Parcels 302, 303, 304, 336 & 337– Lessee, Michael Huempfer, MCL Ranch

**Location:** Parcels 302, 303, 304, 336 & 337 – All five parcels are located in southeastern Broadwater County, four to twelve miles north of Three Forks.

**Property Characteristics:** Parcels 302, 303, 304 & 336 –Low value grazing land with very little recreational value due low productivity and open terrain.

Parcel 337 - Contains approximately 60 acres of agricultural land along with the 220 acres of grazing land. The agricultural land and the grazing lands are both below average in productivity and income for the respective classifications when compared to trust lands across the state.

**Access:** Parcels 302, 303, 304, 336 & 337 - These parcels are entirely surrounded buy private lands and are not legally accessible.

County	Sale #	# of Acres	Legal	Trust
Broadwater	302	161.63	Lot 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$ ,W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 4, T2N-R2E	Common School
Broadwater	303	160	NE $\frac{1}{4}$ , Section 8, T2N-R2E	Common School
Broadwater	304	196	Lots 5,6,7,8, NW $\frac{1}{4}$ NW $\frac{1}{4}$ ,W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 36, T4N-R2E	Common School
Broadwater	336	637.84	SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ S $\frac{1}{2}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 16, T3N-R2E	Common School
Broadwater	337	280	Lots 5,6,7,8, NW $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 32, T4N-R2E	Common School

**Total Acres** **1435.47**

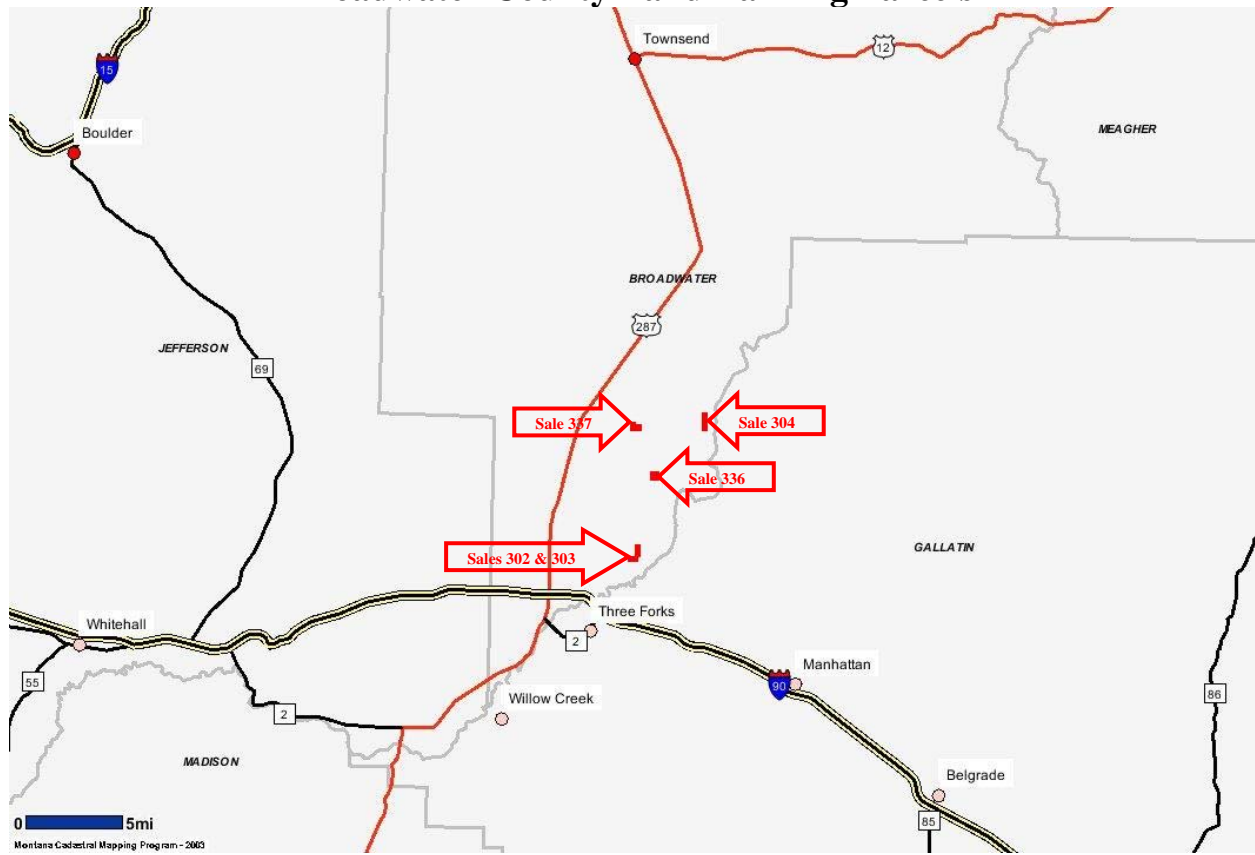
**Potential MEPA Issues:**

None Identified

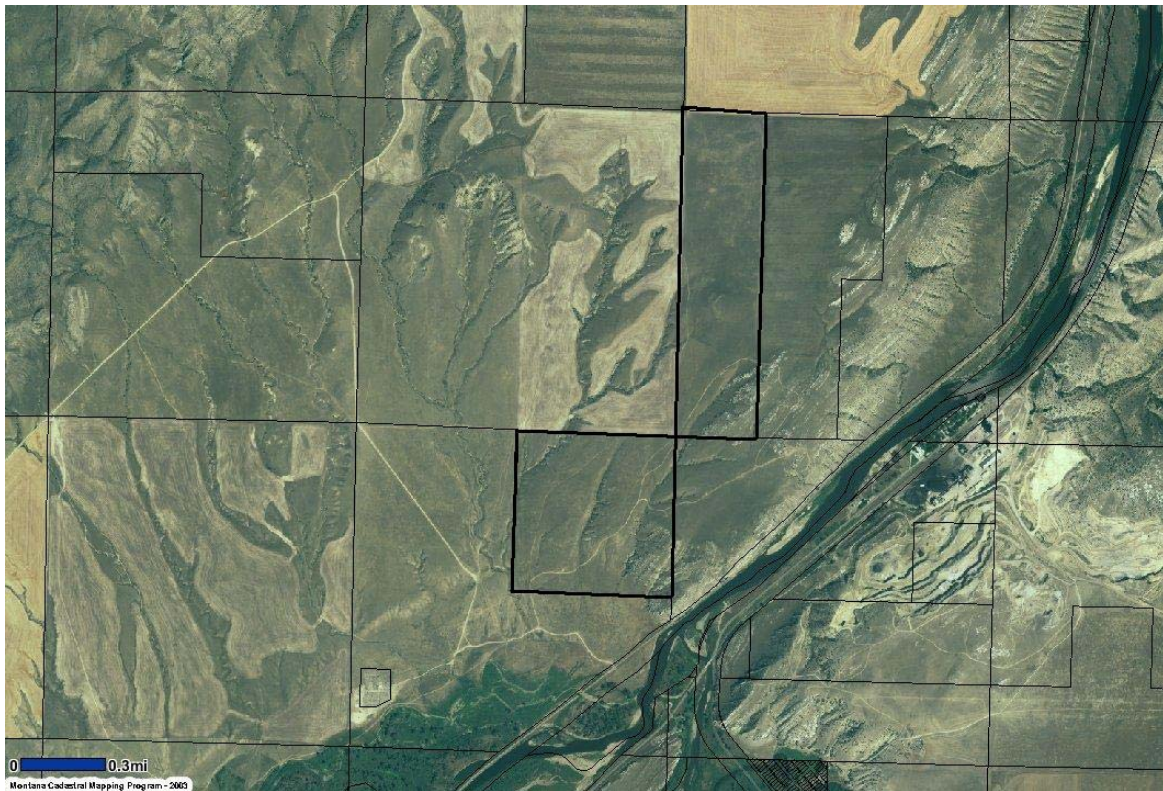
**Recommendation:**

The Director recommends that the Board give preliminary approval to sales 302, 303, 304, 336 & 337.

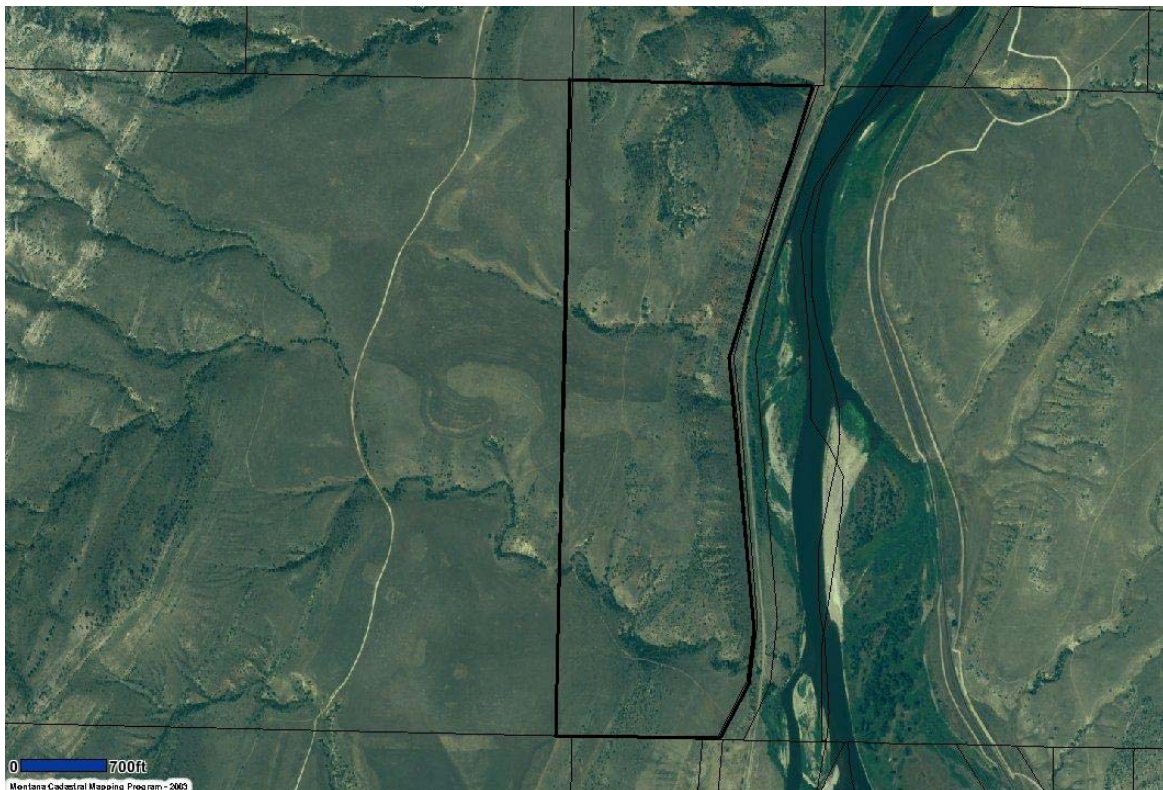
## Broadwater County Land Banking Parcels







**Sales 302 & 303**

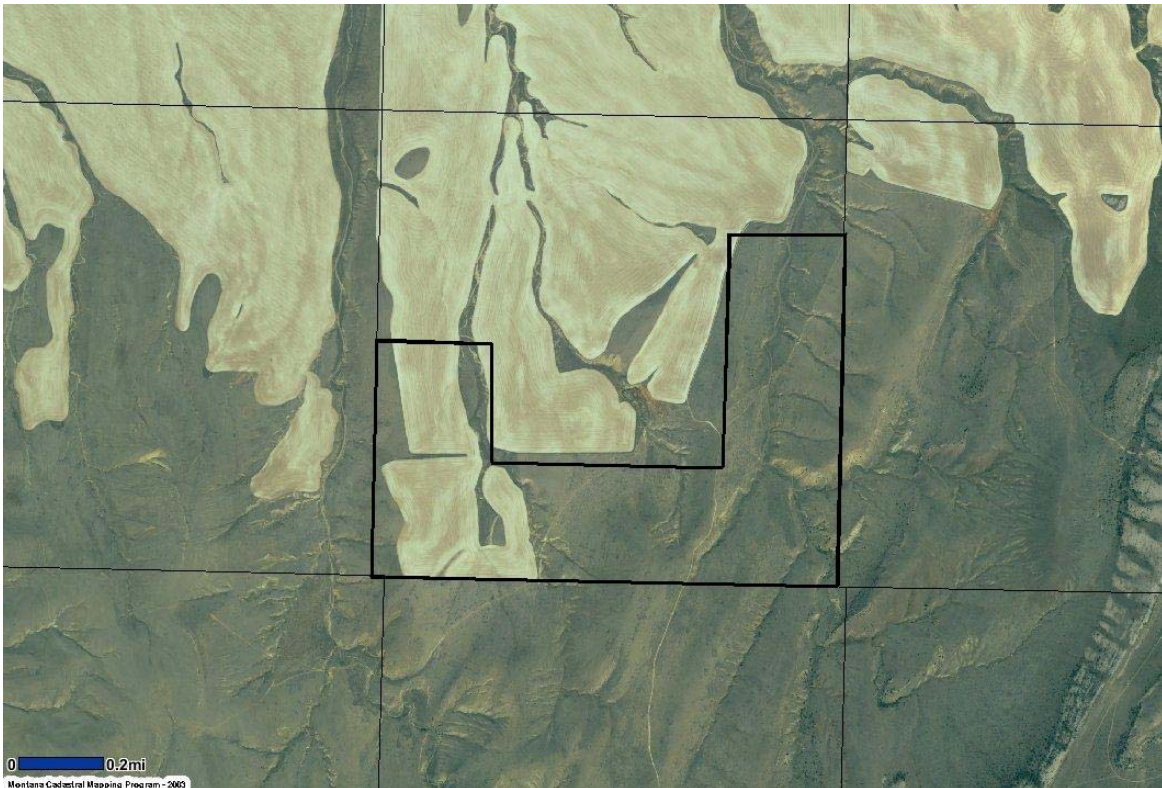


**Sale 304**





**Sale 336**



**Sale 337**

**LAND BOARD AGENDA ITEM**  
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**PRELIMINARY APPROVAL FOR SALE OF LAND BANKING  
PARCELS # 262, 263, 264, 265 & 271  
MADISON COUNTY**

**Seller:** State of Montana, Department of Natural Resources and Conservation

**Nominators:** Parcels 262, 263, 264, 265 & 271 – Lessee, Turner Enterprises

**Location:** Parcels 262, 263, 264, 265 & 271 – The parcels are located sixteen miles southwest of Virginia City.

**Property Characteristics:** Parcels 262, 263, 264, 265 & 271 - The parcels are leased for grazing and are below average for productivity and income for grazing lands across the state. There are no unique characteristics, critical habitat or other features indicating they should remain under management by DNRC.

**Access:** Parcels 262, 263, 264, 265 & 271 - All the parcels are completely surrounded by Turner Enterprises deeded land and are not legally accessible by the public without permission from the ranch.

County	Sale #	# of Acres	Legal	Trust
Madison	262	40	SE¼NW¼, Section 31, T8S-R4W	State Industrial School
Madison	263	40	SE¼NE¼, Section 30, T8S-R4W	State Industrial School
Madison	264	40	SE¼SW¼, Section 33, T8S-R4W	Public Buildings
Madison	265	120	N1/2SW¼, SW1/4SW1/4, Section 32, T8S-R4W	Public Buildings
Madison	271	40	SW¼NE¼, Section 32, T8S-R4W	Public Buildings

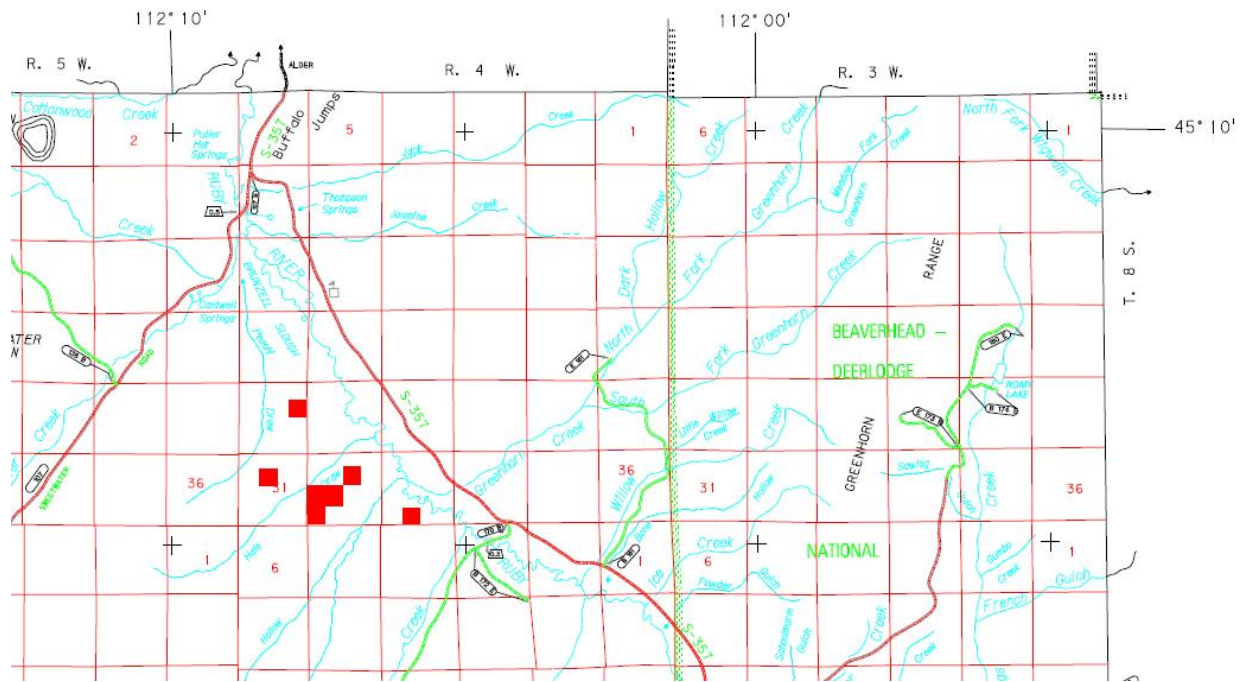
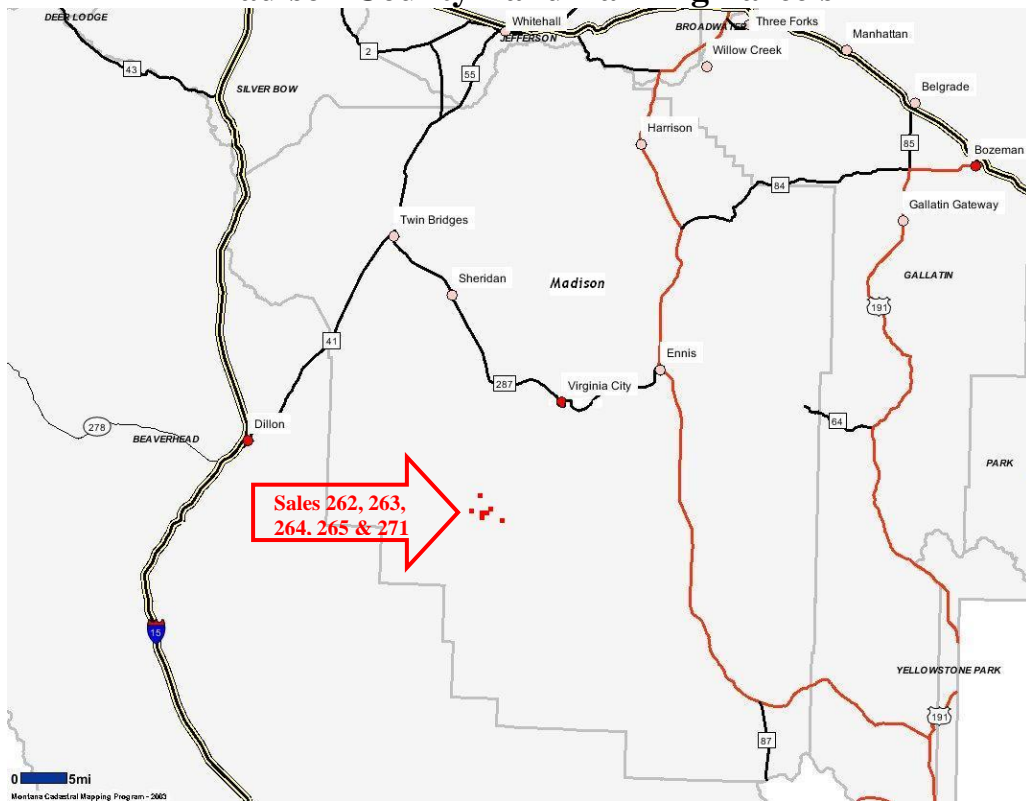
**Total Acres** **280**

**Potential MEPA Issues:** None Identified

**Recommendation:** The Director recommends that the Board give preliminary approval to sales 262, 263, 264, 265 & 271.

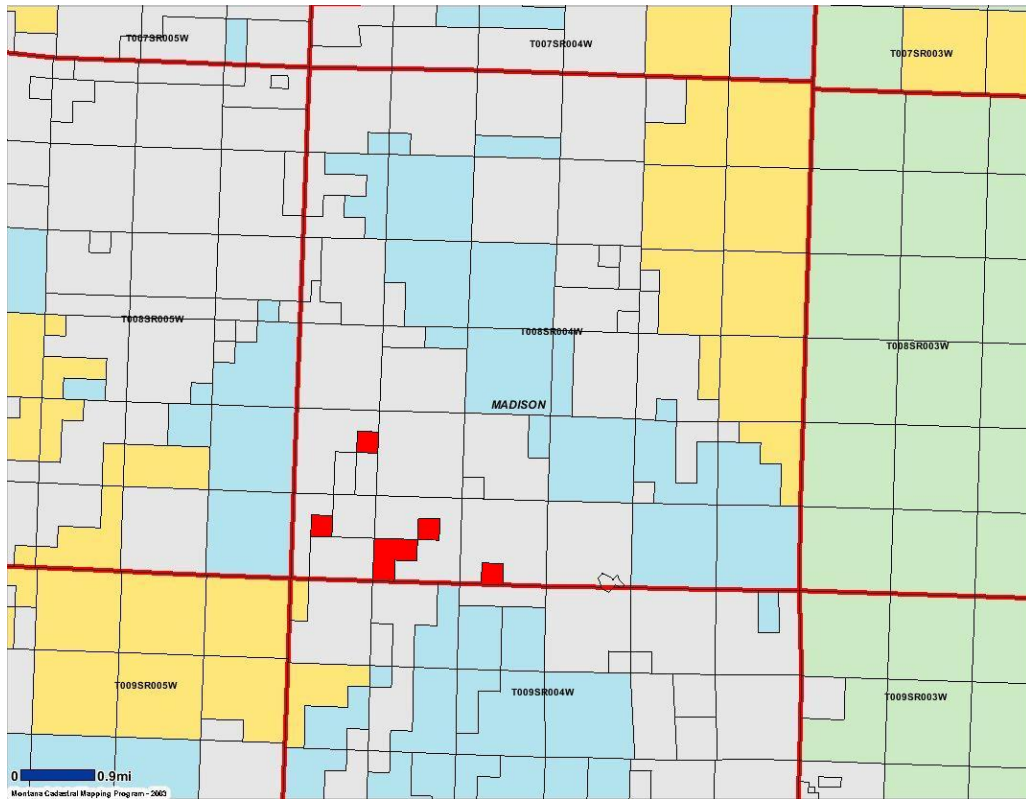


## Madison County Land Banking Parcels

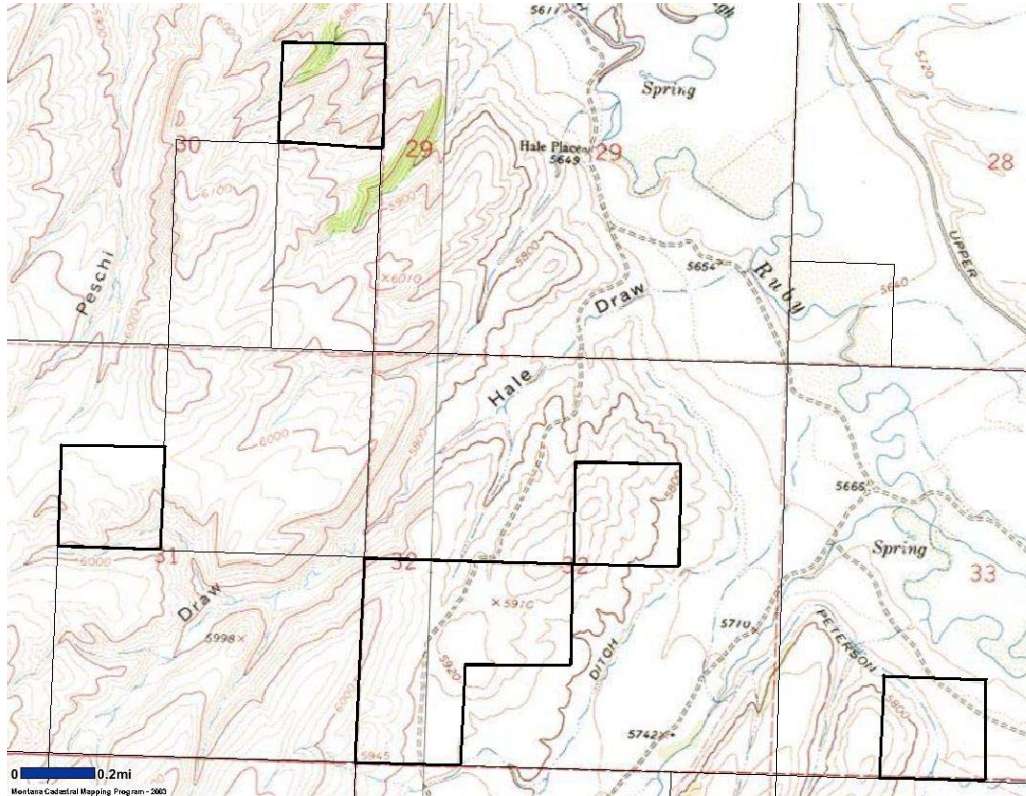


County Highway Map

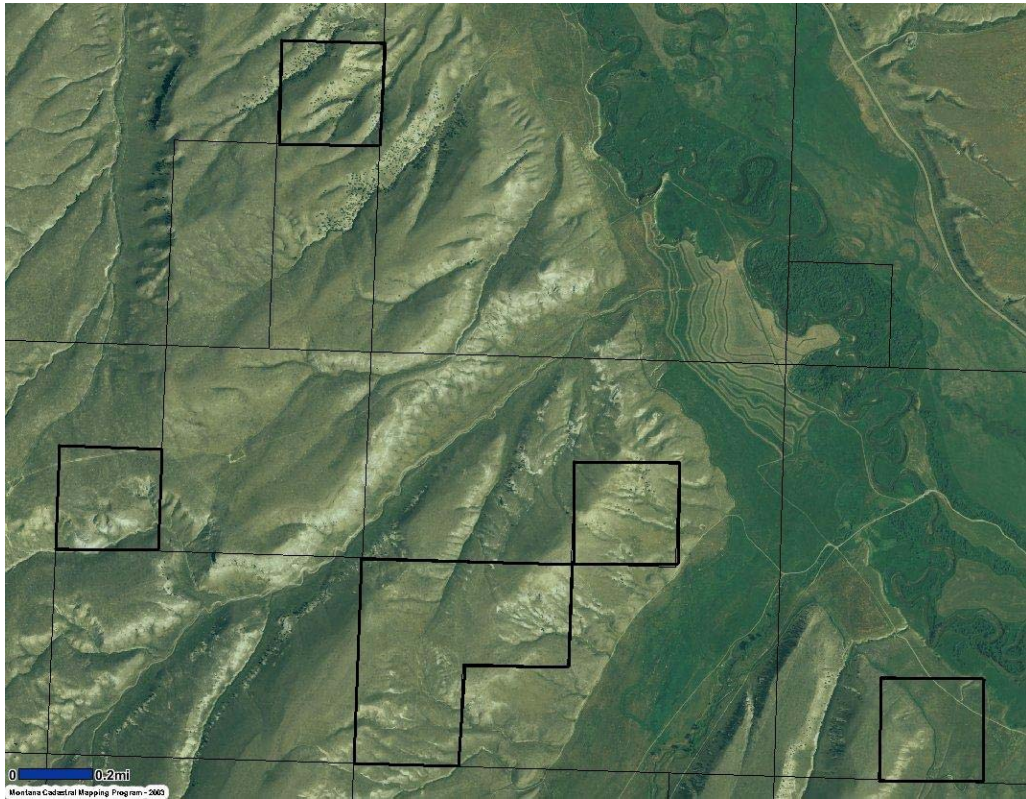




**Ownership Map**



**Topo Map of All Five Parcels**



**Aerial Photo of All Five Parcels**